

ORDINANCE NO. **1711**

AN ORDINANCE relating to the requirement of right-of-way construction permits; setting fees; providing for coordination of right-of-way construction; and providing for inspection and enforcement; and repealing Res. 34941 (1968), Res. 12634 (1951), Res. 6558 (1937) and KCC Ch. 14.36, and Ord. 1376 (1972) and KCC 14.44.010.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. PURPOSE. The purpose of this ordinance

is to regulate the granting of right-of-way construction permits and to insure that utility construction work undertaken pursuant to such permits is consistent with the applicant's right-of-way franchise from the county, the applicable district comprehensive plan, the County Comprehensive Plan, sound engineering and design standards, health and sanitation regulations, and county standards for water mains and fire hydrants.

SECTION 2. RIGHT-OF-WAY CONSTRUCTION PERMITS REQUIRED.

All utility construction work performed within a King County right-of-way shall require right-of-way construction permits to be issued by the Property and Purchasing Division of the Department of Executive Administration: Provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Utility construction work includes the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric lines, sewers, cable TV and petroleum products and any other such public and private utilities.

SECTION 3. APPLICATIONS. Applications for all right-of-way construction permits shall be submitted, in writing, to the Property and Purchasing Division. The application shall contain whatever information, including plans and specifications, which the Property and Purchasing Division shall

require.

SECTION 4. FEES.

(a) Each application requires a fee payable to the Property and Purchasing Division, for the administrative costs and expenses of processing the application. The following fee schedule shall become effective as of January 1, 1974:

(1) POLE LINES:

Power, telephone, etc. (every 6 poles or portion thereof)-----\$6.00

(2) WATER:

Installing mains (1000 lin. ft. or less)- 6.00
Additional 1000 lin. ft. or fraction thereof----- 5.00
Excavation for connection----- 6.00

(3) SEWER:

Installation of mains (1000' or fraction thereof)----- 6.00
Additional 1000 lin. ft. or fraction thereof ----- 5.00
Excavation for connection----- 6.00

(4) CABLE OR CONDUIT:

Installing cable or conduit (1000' or less)----- 6.00
Additional 1000 lin. ft. or fraction thereof ----- 5.00
Excavation in street for connection----- 6.00

(5) GAS or OIL:

Installing mains (1000 lin. ft. or less)- 6.00
Additional 1000' or fraction thereof----- 5.00
Excavation for connection----- 6.00

(6) CULVERTS:

For road approaches and miscellaneous work on County rights-of-way----- No charge

(b) In addition, the permittee is required to pay an inspection fee to the Department of Public Works and Transportation based on the time spent on the job by utility inspectors during or after construction. No inspection fee shall be charged for the first field inspection made.

1 SECTION 5. REVIEW OF APPLICATIONS; CRITERIA.

2 (a) The Property and Purchasing Division shall coordi-
3 nate the review by all departments of right-of-way construction
4 permit applications and shall determine whether the proposed con-
5 struction is consistent with the applicant's right-of-way franchise
6 from the county.

7 (b) The Department of Public Works and Transportation
8 shall review and evaluate applications in respect to the hazard
9 and risk of the proposed construction, location of the proposed
10 construction in relation to other utilities in the right-of-way,
11 and the adequacy of the engineering and design of the proposed
12 construction.

13 (c) The Seattle-King County Department of Public Health
14 shall review and evaluate applications for the construction of
15 waterworks (except for domestic service connections) to determine
16 consistency with state and local health and sanitation regulations.

17 (d) The King County Fire Marshal shall review and
18 evaluate applications for the construction of waterworks to deter-
19 mine consistency with county standards for water mains and fire
20 hydrants.

21 SECTION 6. POLICY ON ACCOMMODATION OF UTILITIES.

22 Washington Administrative Code (WAC) 136, Chapter 40, as amended,
23 regarding Accommodation of Utilities on County Road Right-of-Way
24 as published by the County Road Administration Board, is hereby
25 readopted by reference as policy for use on all King County roads.

26 SECTION 7. COORDINATION OF RIGHT-OF-WAY CONSTRUCTION.

27 (a) The applicant, at the time of submitting an appli-
28 cation for a right-of-way construction permit, shall notify all
29 other public and private utility entities known to be using or
30 proposing to use the same right-of-way of the applicant's proposed
31 construction and the proposed timing of such construction. Any
32 such entity notified may, within seven (7) days of such notifi-
33 cation, request a delay in the commencement of such proposed con-

1 construction for the purpose of coordinating other right-of-way con-
2 struction with that proposed by the applicant. The Property and
3 Purchasing Division may delay the commencement date for the appli-
4 cant's right-of-way construction for ninety (90) days or less, ex-
5 cept in the case of emergencies, if it finds that such delay will
6 reduce the inconvenience to county road users from construction
7 activities and it finds that such delay will not create undue
8 economic hardship on the applicant.

9 (b) The Property and Purchasing Division shall also
10 coordinate the approval of right-of-way construction permits with
11 county street improvements and maintenance and may delay the
12 commencement date for the applicant's right-of-way construction
13 for ninety (90) days or less, except in the case of emergencies,
14 upon making the findings described in subsection (a).

15 (c) The Property and Purchasing Division shall inform
16 the Department of Public Works and Transportation of all right-of-
17 way construction permits issued, the Seattle-King County Depart-
18 ment of Public Health of permits for construction of waterworks
19 (except domestic service connections), and the King County Fire
20 Marshal of right-of-way construction permits for waterworks.

21 SECTION 8. PERFORMANCE BOND REQUIRED. Prior to final
22 approval of all right-of-way construction permits, the Department
23 of Public Works and Transportation shall determine the amount of
24 the performance bond necessary to assure compliance with the
25 approved construction plans, applicable state and local health and
26 sanitation regulations, county standards for water mains and fire
27 hydrants and to assure proper restoration of the road and the
28 health and safety of the users of the road. The applicant shall
29 submit the bond in the amount indicated and by an approved surety.

30 SECTION 9. FORM OF PERMIT. The right-of-way construc-
31 tion permit granted shall be in a form approved by, and be made
32 subject to all reasonable and necessary terms and conditions im-
33 posed by, the Department of Public Works and Transportation.

SECTION 10. NOTIFICATION BY PERMITTEE OF CONSTRUCTION

COMMENCED. The permittee is required to give oral or written notice of the date construction will begin to the following agencies: Department of Public Works and Transportation for all right-of-way construction; Seattle-King County Department of Public Health for construction of waterworks (except for domestic service connections); King County Fire Marshal for waterworks. Failure to give such notice is grounds for the revocation or suspension of the construction permit.

SECTION 11. INSPECTION; ENFORCEMENT.

(a) The Department of Public Works and Transportation shall inspect construction work to assure compliance with the permit requirements, proper road restoration and minimization of traffic hazards. The permittee shall be responsible for inspection to assure compliance with approved installation plans. The method of inspection employed by the permittee shall be approved by the Department of Public Works and Transportation. Construction work undertaken by sewer or water districts or water distributors may also be inspected by the King County Fire Marshal to assure consistency with county water main and fire hydrant standards and by the Seattle-King County Department of Public Health to assure compliance with state and local health and sanitation standards.

(b) Upon a finding of the applicant's failure to comply with the provisions of this ordinance or a material term or condition of his right-of-way construction permit, the Department of Public Works and Transportation, the King County Fire Marshal, and the Seattle-King County Department of Public Health are each authorized to:

(i) Issue a stop work order to the permittee requiring an immediate cessation of the activity indicated in such order;

(ii) Suspend the construction permit, effective immediately;

(iii) Revoke the construction permit, effective immediately;

(iv) Make claim under the performance bond;

(v) Undertake to complete the construction activity and/or restore the right-of-way, charging the permittee for the costs so incurred;

(vi) Seek any other appropriate administrative or judicial remedies;

(vii) Do any combination of items (i) through (vi).

SECTION 12. REPEAL. Resolution 34941 (1968), Resolution 12634 (1951), Resolution 6558 (1937) and King County Code Ch. 14.36 and Ordinance 1376 (1972) and King County Code 14.44.010 are repealed as of the effective date of this ordinance.

SECTION 13. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 14. EFFECTIVE DATE. This ordinance shall become effective on the 1st day of July, 1973, with the exception of the fee schedule.

INTRODUCED AND READ for the first time this 11th day of June, 1973.

PASSED this 25th day of June, 1973.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

John T. O'Brien
Chairman

Dorothy M. Ruess
Deputy Administrator-Clerk
King County Council

APPROVED this 26th day of June, 1973.

[Signature]
King County Executive